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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/803,012

03/16/2004

Ivan To

THOLAM P226US

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20210 7590 04/07/2008  
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EXAMINER

MILLER, WILLIAM L

ART UNIT

PAPER NUMBER

3677

MAIL DATE

DELIVERY MODE

04/07/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/803,012	<b>Applicant(s)</b> TO, IVAN	
	<b>Examiner</b> William L. Miller	<b>Art Unit</b> 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) 11-14, 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10, 15, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed 01-14-2008 has been entered.
2. Claims 10-15 and 17-20 are pending.
3. Acknowledgment is made of the replacement sheets of drawings which have been approved by the examiner.

### ***Priority***

4. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Canada on 03-18-2003. It is noted, however, that applicant has not filed a certified copy of the Canadian application as required by 35 U.S.C. 119(b).

### ***Election/Restrictions***

5. Claims 11-14, 17, and 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 03-15-2006.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 10, 15, 19, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Robinson et al. (US#6843010).

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8. Regarding claim 10, Robinson discloses a luminescent signage component comprising: a one piece body 12 in the form of a sign plate made from a single layer of transparent material, having a first face 17 and an opposing second face; at least one inlaid cavity 22 (etched character) in the body defining one of alpha-numeric indicia or graphic indicia, and the at least one cavity being closed by an integrally formed transparent window (portion) positioned across the second face; luminescent epoxy 16 filling the at least one cavity (col. 2, lines 56-59), such that the one of alpha-numeric indicia or graphic indicia emits a luminescent glow in the event of a power failure; and a constant light source 14 backlighting via reflection the at least one inlaid cavity.

9. Regarding claim 15, Robinson discloses an exit sign comprising: a sign enclosure 11; a constant light 14 mounted in the enclosure; a one piece sign plate 12 made from a single layer of transparent material mounted in the enclosure, the sign plate having a first face 17 and an opposing second face, at least one inlaid cavity 22 (etched character) in the sign plate defining alpha-numeric indicia, the at least one cavity being closed by an integrally formed transparent window (portion) positioned across the second face, the alpha-numeric indicia of the sign plate bearing letters spelling the word EXIT, luminescent epoxy 16 filling the at least one inlaid cavity (col. 2, lines 56-59) between the first face and the second face resulting in the letters being formed with the luminescent epoxy, the at least one inlaid cavity of the sign plate being backlit via reflection by the light, such that the light illuminates the letters and activates the luminescent material so that the letters EXIT give off a luminescent glow making them visible when power to the light is disrupted.

10. Regarding claim 19, wherein the at least one inlaid cavity 22 in the sign plate is formed in the first face 17 and extends toward the second face of the sign plate.

11. Regarding claim 20, wherein at least a portion of the luminescent epoxy 16 filling the at least one inlaid cavity in the sign plate is located between the first face 17 and the opposing second face of the sign plate.

### ***Response to Arguments***

12. The changes to the drawings and the amendments to claims 10 and 15 have overcome the previous 112-1 and 112-2 rejections.

13. Applicant's arguments with respect to Woog '222 have been fully considered and are persuasive. However, upon further consideration and as necessitated by amendment, a new ground(s) of rejection is made above.

### ***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068.

The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on (571) 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William L. Miller/  
Primary Examiner, Art Unit 3677